



Practitioner's Docket No. BTI-13

EVO92248175US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Foster, Thomas H.; Connelly, Patrick R.; and MacDonald, Stuart G.

Application No.: 10/077,893

Group No.:

Filed: 02/19/2002

Examiner:

For: "An Electromagnetic Interference Immune Tissue Invasive System"

Commissioner for Patents
Washington, D.C. 20231

**PETITION TO ESTABLISH PRIOR RECEIPT IN THE P.T.O.
OF ITEM CONSIDERED AS OMITTED BY THE
P.T.O.--RESPONSE TO "NOTICE OF OMITTED ITEMS"**

1. This is in response to the "NOTICE OF OMITTED ITEMS" mailed for this application on **June 14, 2002**. A copy of the "NOTICE OF OMITTED ITEMS" is enclosed.

2. Applicant asserts that the items indicated as omitted, specifically **Figures 44 and 45 (page 30 of 58) of the drawings**, were in fact deposited with the P.T.O. with the original application papers filed on February 19, 2002, as well as in the response to "NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION," submitted May 29, 2002. Enclosed with this petition as evidence of submission of Figures 44 and 45 on the previously indicated dates are 1) a return receipt postcards from the USPTO, dated 2/19/2002 and 5/29/2002, showing receipt of 58 sheets of drawings, 2) a certificate of Express Mailing, dated 5/29/2002, showing submission of 58 sheets of drawings; 3) a Transmittal Form, dated 5/29/2002, showing submission of 58 sheets of drawings, and 4) a Transmittal of Formal Drawings, dated 5/29/2002, showing submission of 58 sheets of drawings. In the event that the USPTO is unable to locate to the previously submitted Figures 44 and 55 (page 30 of 58), applicants encloses 1) a copy of the previously submitted Figures 44 and 45 (page 30 of 58) for the above-referenced application, submitted 5/29/2002, and 2) a copy of the previously submitted Figures 43, 44, and 45 for the above-referenced application, submitted 2/19/2002 at the time the application was originally filed.

3. In accordance with the requirements of the Notice of June 5, 1996, 61 Fed. Reg. 30,041-30,046, applicant hereby:

- A. Petitions under 37 C.F.R. Section 1.53(e) for a review of the determination that the item in issue was omitted.
- B. Submits the petition fee under 37 C.F.R. Section 1.17(h).

4. Fee Payment

This is a **nonprovisional** application.

The petition fee, 37 C.F.R. Section 1.17(h), is paid as follows:

A check is attached in the sum of \$ 130.00.

06/25/2002 HDEMESS1 00000060 10077893

01 FC:122

130.00 DP

Adjustment date: 08/14/2002 AXELLEY
06/25/2002 HDEMESS1 00000060 10077893
01 FC:122 -130.00 DP
Repln. Ref: 08/14/2002 AXELLEY 0000170400
Ddt: 501706 Name/Number: 10077893 \$130.00 CR
FC: 704

RECEIVED

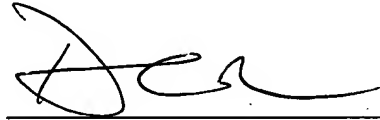
JUL 15 2002

OFFICE OF PETITIONS

Please charge Account No. 50-1706 for any fee deficiency for this petition.

5. Request for Refund

It is respectfully requested that, upon grant of the petition under 37 C.F.R. Section 1.53(e), the petition fee be refunded by deposit to Account No. 50-1706.



Duane C. Basch
Registration No. 34,545
Greenwald & Basch LLP
Suite 2490
349 West Commercial Street
East Rochester, NY 14445
US
585-387-0280
Customer No. 27157

RECEIVED

JUL 15 2002

OFFICE OF PETITIONS

CERTIFICATION UNDER 37 C.F.R. SECTION 1.10*

(Express Mail label number is mandatory.)

(Express Mail certification is optional.)

I hereby certify that this "Petition" and the documents referred to as attached therein are being deposited with the United States Postal Service on this date 6/19/2002, in an envelope as "Express Mail Post Office to Addressee," mailing Label Number EV092248175US, addressed to the: Commissioner for Patents, Washington, D.C. 20231.

Duane C. Basch

(type or print name of person mailing paper)



Signature of person mailing paper

WARNING: Certificate of mailing (first class) or facsimile transmission procedures of 37 C.F.R. Section 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.

***WARNING:** Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. Section 1.10(b).
"Since the filing of correspondence under Section 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

(Petition to Establish Prior Receipt in the PTO of Item(s) Considered as Omitted
by the PTO--Response to "Notice of Omitted Items"--page 2 of 2)

(Petition to Establish Prior Receipt in the PTO of Item(s) Considered as Omitted
by the PTO--Response to "Notice of Omitted Items"--page 2 of 2)

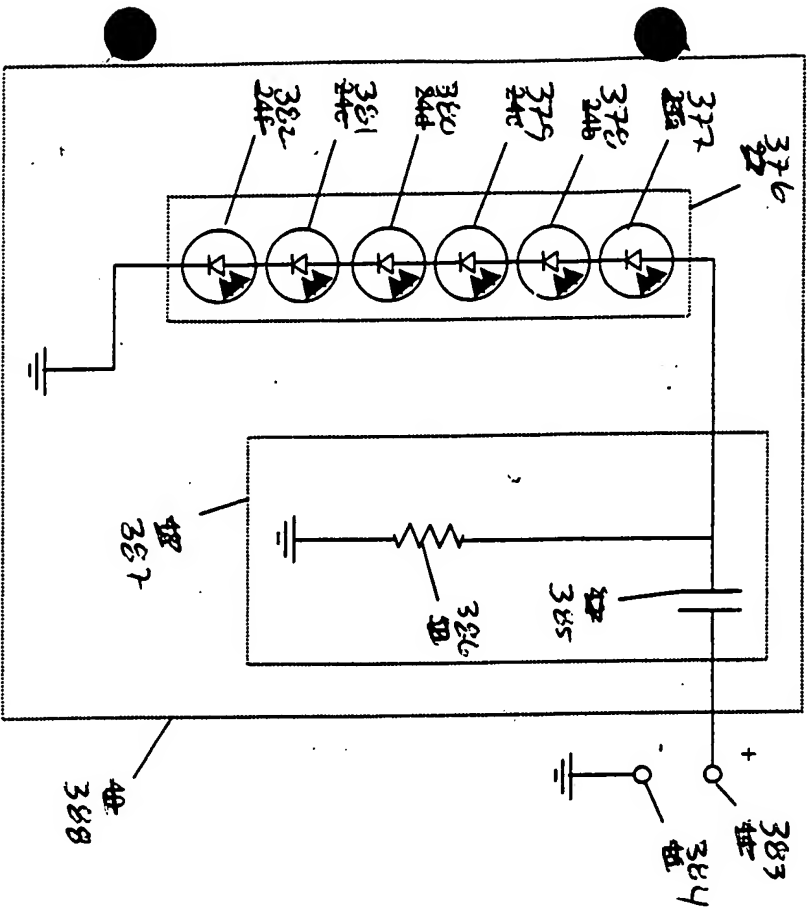


FIG. 843

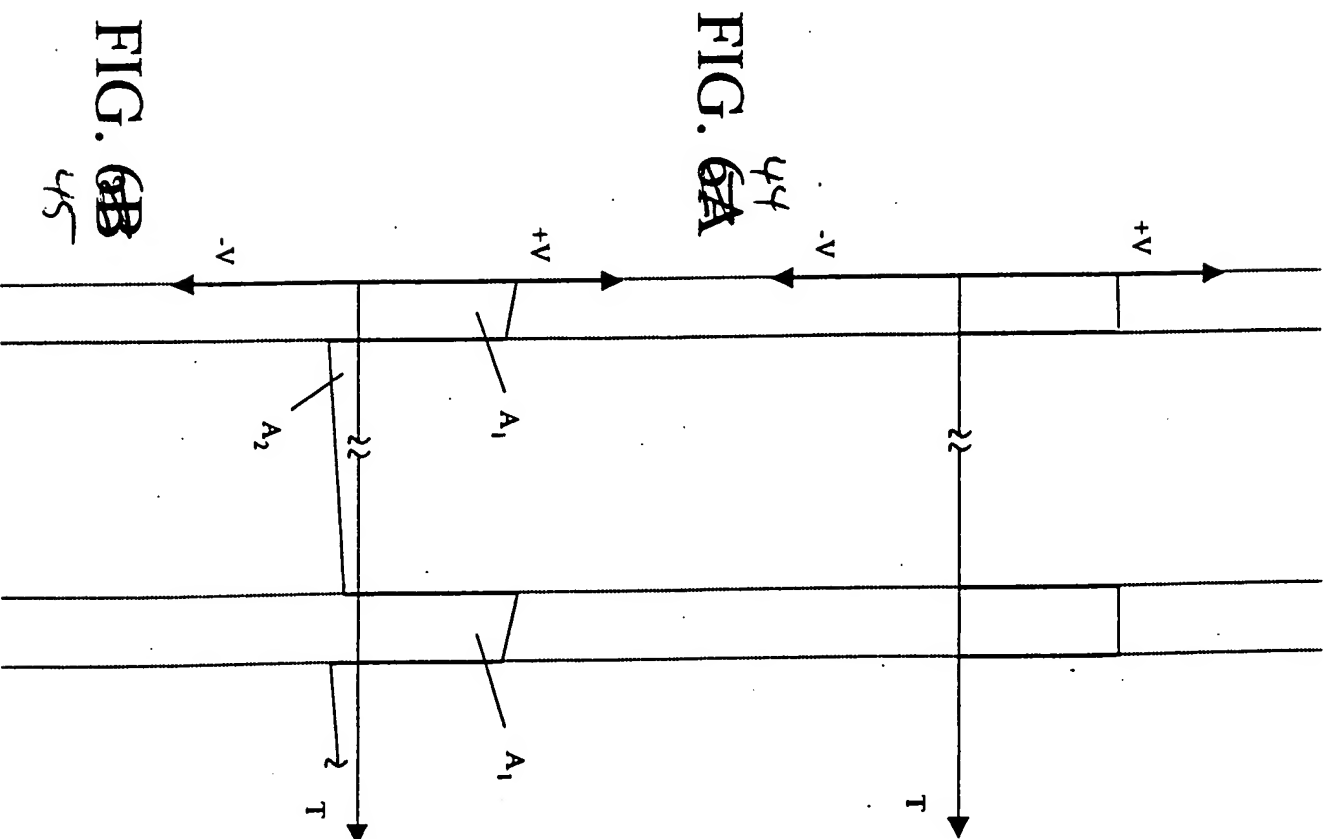
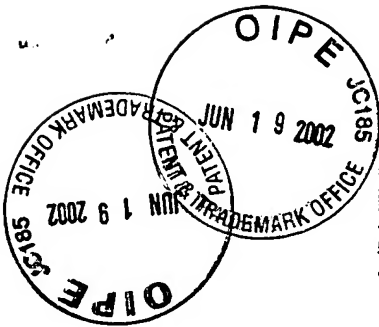


FIG. 67A

FIG. 67B

45



USPTO Acknowledgment Postcard

Serial: Filed Herewith Docket: BTI-13 Date Filed: Herewith Date Mailed: 2/19/2002
Title: AN ELECTROMAGNETIC INTERFERENCE IMMUNE TISSUE INVASIVE
SYSTEM
Inventor: THOMAS H. FOSTER ET AL.

USPTO Stamp



The US Patent and Trademark Office hereby acknowledges, and has stamped hereon, the date of receipt of the items checked below:

Application: ☒ New ☒ Utility ☐ Provisional ☐ Design ☐ Filed ☐ Issued

First Class Mail ☒ Express Mail Label EL 903745467 US ☒ Certificate of Express Mailing

☒ Drawings 58 sheets Formal ☒ Informal ☒ Specification 136 pages Letter ☒ Return Postcard

Oath Declaration Petition for Extension Information Disclosure Statement Attorney Transmittal Letter

Assignment Assignment Cover Sheet USPTO Transmittal Form Amendment/ Response Issue Fee

Certificate of Mailing ☒ Utility Patent Application Transmittal ☒ Fee Transmittal Non-Publication Form

☒ Check Amount 619.00 Check No 3110 Check Amount Check No

Other Other

For fee deficiency resulting from the filing of the papers submitted herein, charge Deposit Account 50-1706.

Contact: Howard J. Greenwald
Telephone: 585-387-0280

☒ Duane C. Basch

Customer No: 27157



USPTO Acknowledgment Postcard

Serial: 10,077,893 Docket: BTI-13 Date Filed: 2/1/02

Date Mailed: 5/29/02

USPTO Stamp



Title: AN ELECTROMAGNETIC INTERFERENCE IMMUNE TISSUE INVASIVE SYSTEM

Inventor: THOMAS H. FOSTER ET AL.

The US Patent and Trademark Office hereby acknowledges, and has stamped hereon, the date of receipt of the items checked below:

Application: New ☐ Utility ☐ Provisional ☐ Design ☐ Filed ☐ Issued

First Class Mail ☒ Express Mail Label EV092247802US ☒ Certificate of Express Mailing

☒ Drawings 58 sheets ☒ Formal ☐ Informal Specification pages Letter ☒ Return Postcard

Oath ☒ Declaration Petition for Extension Information Disclosure Statement Attorney Transmittal Letter

Assignment Assignment Cover Sheet ☒ USPTO Transmittal Form Amendment/ Response Issue Fee

Certificate of Mailing Utility Patent Application Transmittal ☒ Fee Transmittal Non-Publication Form

☒ Check Amount \$ 120.00 Check No 3411 Check Amount Check No

Other COPY OF NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION Other
PETITION FOR EXTENSION OF TIME; TRANSMITTAL OF FORMAL DRAWINGS

For fee deficiency resulting from the filing of the papers submitted herein, charge Deposit Account 50-1706.

Contact: Howard J. Greenwald
Telephone: 585-387-0280

☒ Duane C. Basch

Customer No: 27157

FILE COPY

PATENT

Practitioner's Docket No.: BTI-13

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re application of: **Thomas H. Foster et al.**

Application No.: **10/077,893**

Confirmation No: **3097**

Group No.:

Filed: **2/19/2002**

Examiner:

For: **"An Electromagnetic Interference Immune Tissue Invasive System"**

**Assistant Commissioner for Patents
Washington, D.C. 20231**

EXPRESS MAIL CERTIFICATE

"Express Mail" Label Number: **EV 092247802 US**

Date of Deposit: **5/29/02**

I hereby state that the following *attached* paper or fee:

Certificate of Express Mailing

Petition for Extension of Time-1 Month

Transmittal Form

Newly executed Declaration

Transmittal of Formal Drawings

58 sheets of Formal Drawings

Copy of "Notice to File Missing Parts of NonProvisional Application"

Return Postcard

Fee Transmittal

Check for \$120.00

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. section 1.10, on the date indicated above and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

PERSON MAILING THE APPLICATION:

**Greenwald & Basch LLP
349 West Commercial Street
Suite 2490
East Rochester, New York 14445
(585) 387-0280**

SIGNATURE OF MAILER:

A handwritten signature in black ink, appearing to read "H. Greenwald", written over a horizontal line.

- ☐ Howard J. Greenwald, Esq. (Reg. No. 24,247)
- ☒ Duane C. Basch, Esq. (Reg. No. 34,545)
- ☐ Suzanne T. Stockman
- ☐ Dollie C. Masters
- ☐ Other: _____



Please type a plus sign (+) inside this box → ☐

PTO/SB/21 (6-98)
Approved for use through 09/30/2000. OMB 0651-0031
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/077,893
	Filing Date	2/19/2002
	First Named Inventor	Thomas H. Foster
	Group Art Unit	
	Examiner Name	
Total Number of Pages in This Submission	10+	Attorney Docket Number BTI-13

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input checked="" type="checkbox"/> Fee Attached	<input checked="" type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	See 1 in Addendum
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Small Entity Statement	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Request for Refund	
<input checked="" type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
<input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	In response to NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION, dated 3/18/2002, applicant herewith encloses 1) the DECLARATION, newly dated and signed by each inventor, 2) a check for \$65.00 for the surcharge for late filing of the DECLARATION, and 3) fifty-eight sheets (58) of substitute drawings in compliance with 37 CFR 1.84. Also enclosed is a Petition for Extension of Time to extend the deadline for reply for one (1) month from 5/18/2002 to 6/18/2002 under the provisions of 37 CFR 1.136 (a). If any additional fees are required, please deduct from Deposit Account 50-1706.	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Duane C. Basch # 34,545; Greenwald & Basch LLP
Signature	
Date	5/25/02

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: <input type="text"/>	
Typed or printed name	
Signature	Date

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Practitioner's Docket No. BTI-13

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Thomas H. Foster et al.

Application No.: 10/077,893

Confirmation No: 3097

Group No.:

Filed: 02/19/2002

Examiner:

For: "An Electromagnetic Interference Immune Tissue Invasive System"

Assistant Commissioner for Patents
Washington, D.C. 20231

TRANSMITTAL OF FORMAL DRAWINGS

In response to the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION,
mailed on 3/18/2002, attached please find:

- (a) the formal drawing(s) for this application.
Number of Sheets: 58

Each sheet of drawing indicates the identifying indicia suggested in Section 1.84(c)
on the reverse side of the drawing.

- (b) a copy of the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL
APPLICATION.

Date:

5/29/02



Duane C. Basch
Registration No. 34,545
Greenwald & Basch LLP
Suite 2490
349 West Commercial Street
East Rochester, NY 14445
US
585-387-0280
Customer No. 27157

CERTIFICATE OF EXPRESS MAILING (37 C.F.R. section 1.10 (c))

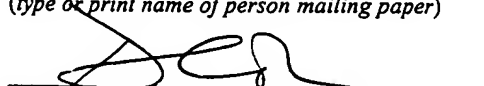
Express Mail Label: EV 092247802 US

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as "Express Mail Post Office to Addressee" in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

Date:

5/29/02

Duane C. Basch
(type or print name of person mailing paper)


Signature of person mailing paper

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER

10/077,893

FILING/RECEIPT DATE

02/19/2002

FIRST NAMED APPLICANT

Thomas H. Foster

ATTORNEY DOCKET NUMBER

BTI-13

CONFIRMATION NO. 3097

FORMALITIES LETTER



OC000000008290997

27157
GREENWALD & BASCH, LLP
SUITE 2490
349 WEST COMMERCIAL STREET
EAST ROCHESTER, NY 14445

Date Mailed: 06/14/2002

NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Figure(s) Fig 44, 45 described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

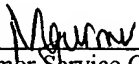
II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.



A copy of this notice MUST be returned with the reply.



Customer Service Center
Initial Patent Examination Division (703) 308-1202
PART 1 - ATTORNEY/APPLICANT COPY



Application Number: 10/077,893
Filing Date: February 19, 2002
First Named Inventor: Thomas H. Foster
Group Art Unit:
Examiner Name:
Attorney Docket Number: BTI-13

**Transmittal Form (PTO/SB/21):
Additional Enclosures**

Certificate of Express Mailing

Transmittal Form

"Petition to Establish Prior Receipt . . ."

Notice of Omitted Item(s) in a Nonprovisional Application

Copies of stamped return postcards, dated 2/19/2002 and 5/29/2002

1 sheet of drawings -Figures 44 & 45 (page 30 of 58), previously submitted 5/29/2002

Copy of Express Mailing Certificate

Copy of Transmittal Form

Copy of Transmittal of Formal Drawings

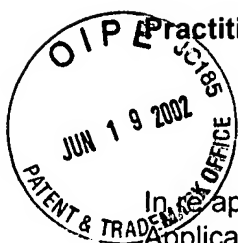
Check for \$130.00

Return Postcard

1 sheet of drawings -Figures 43, 44 & 45, previously submitted 2/19/2002

HH

03 CO #
PATENT



Practitioner's Docket No.: BTI-13

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Thomas H. Foster et al.**

Application No.: **10/077,893**

Confirmation No: **3097**

Group No.:

Filed: **2/19/2002**

Examiner:

For: **"An Electromagnetic Interference Immune Tissue Invasive System"**

**Commissioner for Patents
Washington, D.C. 20231**

EXPRESS MAIL CERTIFICATE

"Express Mail" Label Number: **EY 092248175 US**

Date of Deposit: **6/19/2002**

I hereby state that the following *attached* paper or fee:

Certificate of Express Mailing

Transmittal Form

"Petition to Establish Prior Receipt in the PTO . . ."

Copy of "Notice of Omitted Item(s) in a Nonprovisional Application"

Copy of stamped Return Receipt Postcards, dated 2/19/2002 and 5/29/2002

Copy of previously submitted Express Mail Certificate

Copy of previously submitted Transmittal Form

Copy of previously submitted Transmittal of Formal Drawings

Copies of previously submitted drawings of Figures 44 & 45 (page 30 of 58) - 2

Return Postcard

Fee Transmittal

Check 3489 for \$130.00

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. section 1.10, on the date indicated above and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

PERSON MAILING THE APPLICATION:

**Greenwald & Basch LLP
349 West Commercial Street
Suite 2490
East Rochester, New York 14445
(585) 387-0280**

SIGNATURE OF MAILER:

- ☐ Howard J. Greenwald, Esq. (Reg. No. 24,247)
- ☒ Duane C. Basch, Esq. (Reg. No. 34,545)
- ☐ Suzanne T. Stockman
- ☐ Dollie C. Masters
- ☐ Other: _____



Please type a plus sign (+) inside this box → ☐

PTO/SB/21 (6-98)
Approved for use through 09/30/2000. OMB 0651-0031
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/077,893
	Filing Date	February 19, 2002
	First Named Inventor	Thomas H. Foster
	Group Art Unit	
	Examiner Name	
Total Number of Pages in This Submission	15	Attorney Docket Number BTI-13

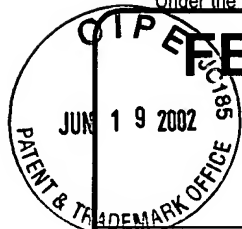
ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	See the attached additional enclosures
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Small Entity Statement	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Request for Refund	
<input checked="" type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	In response to " Notice of Omitted Item(s) in a Nonprovisional Application, " dated 6/14/2002, enclosed are 1) a "Petition to Establish Prior Receipt. . .;" 2) various documents as evidence of previous submission of the drawings of Figures 44 & 45; 3) a check for \$130.00 for the petition fee, and 4) a copy of previously submitted drawings of Figures 44 & 45. If any additional fees are required, please charge to Deposit Account 50-1706.
<input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Duane C. Basch; Greenwald & Basch LLP
Signature	
Date	6/18/02

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: <input type="text"/>	
Typed or printed name	<input type="text"/>
Signature	<input type="text"/>
Date	<input type="text"/>

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



FREE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT

(\$130.00)

Complete if Known

Application Number	10/077,893
Filing Date	February 19, 2002
First Named Inventor	Thomas H. Foster
Examiner Name	
Group Art Unit	
Attorney Docket No.	BTI-13

METHOD OF PAYMENT

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number 50-1706
 Deposit Account Name Greenwald & Basch LLP

☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☒ Applicant claims small entity status. See 37 CFR 1.27

2. ☒ Payment Enclosed:

☒ Check ☐ Credit card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101 740	201 370	Utility filing fee	
106 330	206 165	Design filing fee	
107 510	207 255	Plant filing fee	
108 740	208 370	Reissue filing fee	
114 160	214 80	Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	X	
Multiple Dependent	-3** =	X	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
103 18	203 9	Claims in excess of 20
102 84	202 42	Independent claims in excess of 3
104 280	204 140	Multiple dependent claim, if not paid
109 84	209 42	** Reissue independent claims over original patent
110 18	210 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for <i>ex parte</i> reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 400	216 200	Extension for reply within second month	
117 920	217 460	Extension for reply within third month	
118 1,440	218 720	Extension for reply within fourth month	
128 1,960	228 980	Extension for reply within fifth month	
119 320	219 160	Notice of Appeal	
120 320	220 160	Filing a brief in support of an appeal	
121 280	221 140	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,280	241 640	Petition to revive - unintentional	
142 1,280	242 640	Utility issue fee (or reissue)	
143 460	243 230	Design issue fee	
144 620	244 310	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	130.00
123 50	123 50	Processing fee under 37 CFR 1.17(q)	
126 180	126 180	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	
146 740	246 370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149 740	249 370	For each additional invention to be examined (37 CFR § 1.129(b))	
179 740	279 370	Request for Continued Examination (RCE)	
169 900	169 900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$130.00)

SUBMITTED BY

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Date

6/18/02

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